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A	**One CD containing the Los Angeles County Sheriff's Department, Homicide Bureau Casebook**
B	**Justice System Integrity Division of the Los Angeles County District Attorney's Office, Letter of Opinion dated September 17, 2019**
C	**Medical Records for Suspect Monolito Guerra**
D	**Two CDs containing Crime Scene Photographs taken by the Los Angeles County Sheriff's Department, Crime Lab**
E	**One CD containing radio transmissions, November 28, 2017**

F Crime scene aerial photograph shown to Deputy White to indicate his positioning during the incident on November 28, 2017

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MISCELLANEOUS DOCUMENTS

Training records for Deputies Albert White, Tanner Sanchez, Robert Garcia, and Benjamin Sanchez

(13) Administrative Rights Force/Shooting Forms

Certified Mail Receipt for letter sent to Sergeant Niels Gittisarn

Executive Order N-40-20

One CD containing audio files of civilian interviews, conducted by Homicide Bureau Detectives



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
VICTORIA L. ADAMS • Assistant District Attorney

SCOTT K. GOODWIN • Director

September 10, 2019

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Monolito Guerra
J.S.I.D. File #17-0544
L.A.S.D. File #017-16877-0627-055

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 28, 2017, non-fatal shooting of Monolito Guerra by Deputies Albert White, Tanner Sanchez, Benjamin Sanchez, and Robert Garcia of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

SHANNON PRESBY
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Albert White, #
Deputy Robert Garcia, #
Deputy Tanner Sanchez, #
Deputy Benjamin Sanchez, #

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MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Monolito Guerra
J.S.I.D. File #17-0544
L.A.S.D. File #017-16877-0627-055

DATE: September 10, 2019

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 28, 2017, non-fatal shooting of Monolito Guerra by Los Angeles County Sheriff's Department (LASD) Deputies Albert White, Tanner Sanchez, Benjamin Sanchez, and Robert Garcia. We have determined that Deputy White acted in lawful self-defense when he fired his duty weapon; Deputy T. Sanchez, Deputy B. Sanchez, and Deputy Garcia acted in lawful self-defense and defense of others when they fired their duty weapons.

The District Attorney's Command Center was notified of this shooting on November 29, 2017, at approximately 12:39 a.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by LASD Lieutenant Joe Mendoza.

The following analysis is based on reports and other materials, including recorded interviews, 9-1-1 calls, and photographs submitted to this office by LASD Homicide Bureau. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On November 28, 2017, at approximately 10:00 p.m., a woman was driving her car in search for a parking space at an apartment complex on Bottletree Lane in Newhall. Monolito Guerra walked up to the woman's car and pointed a pistol at her. The woman fled the area and called 9-1-1.

Deputies responded to the apartment complex to locate Guerra, who was believed to reside at an apartment near where he confronted the woman. Guerra became aware of the deputies' presence and hid in the rear passenger compartment of a Ford Fusion parked near this apartment, and adjoining the pool area of the complex. Guerra laid along the backseat and covered himself with

a windshield sunshade while deputies set up a containment of the apartment they believed he may have entered.

White checked a row of parked cars nearby, one of which was the Ford Fusion. White saw a person laying across the rear seat of the Ford Fusion under a sunshade. White opened the rear passenger door on the driver side, saw Guerra grab a revolver, and instructed Guerra to freeze. Guerra fired his revolver at White, shooting him one time in the neck, as Guerra "propelled himself" out of the car. White fired several rounds[1] at Guerra, and then fell down on the sidewalk adjacent to the Ford Fusion. White heard another gunshot and believed Guerra had shot him in the back. White got back up and ran away from Guerra. White last saw Guerra standing to the rear of the Ford Fusion, groaning and holding his midsection.



Guerra was inside the backseat of this four-door Ford Fusion.

T. Sanchez heard a voice shout either "Show me your hands!" or "Drop the gun!" T. Sanchez heard two gunshots, and then a third gunshot that appeared to him to be from a second firearm. T. Sanchez ran to assist and heard White yell, "I'm hit! I'm hit!" T. Sanchez could not see White, but heard a fourth gunshot and looked in the direction of the audible gunfire. T. Sanchez saw Guerra crouched behind a parked car with his arms extended out from his body and his hands clenched together holding what he believed to be a pistol. T. Sanchez believed Guerra had shot White and that Guerra was looking to shoot additional deputies. From approximately 20 to 25 feet away, Sanchez fired two volleys of shots totaling nine to ten rounds[2] at Guerra, who retreated to the rear of the Ford Fusion. T. Sanchez repositioned himself and saw Guerra laying on the ground motionless with a chrome revolver next to one of his hands.

B. Sanchez also assisted in setting up a containment when he initially heard two gunshots and a deputy's commands to "Drop the gun!" followed by additional gunshots from a second firearm. B. Sanchez ran to assist and focused his attention on the area where he saw muzzle flashes. He heard a deputy yell, "I'm hit!" and believed a deputy had been shot. From his position, B.

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[1] The magazine capacity for White's pistol is 17 rounds. Upon examination there was one live round in the pistol's chamber and nine live rounds in the seated magazine.

[2] The magazine capacity for T. Sanchez's pistol is 17 rounds. Upon examination there was one live round in the pistol's chamber and seven live rounds in the seated magazine.

Sanchez had a clear line of sight down the length of the sidewalk along the parked cars, including the Ford Fusion. B. Sanchez saw Guerra crouching behind a car and pointing a chrome handgun at deputies positioned north of Guerra. Fearing for their lives, B. Sanchez fired his service weapon three times at Guerra.

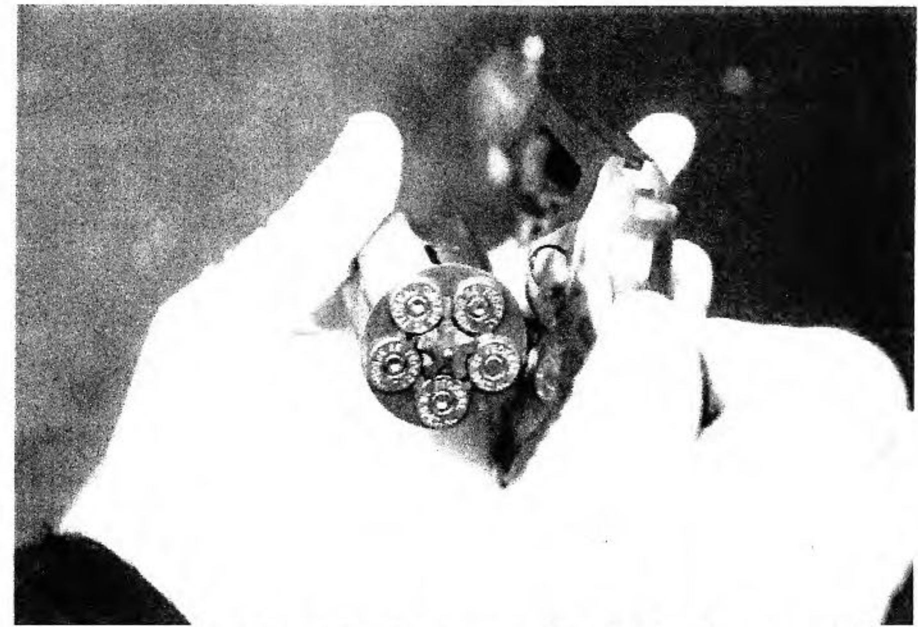
Garcia saw White checking a line of parked cars moments before he heard someone yell, "Show me your hands! Show me your hands!" Garcia heard eight to 12 gunshots and saw muzzle flashes from where he had last seen White. Garcia ran to provide assistance and saw White emerge from that area holding his neck. Believing White had been shot, he provided cover for White and another deputy who was now assisting White. Garcia saw Guerra "pop up" from behind the trunk area of the Ford Fusion and look in his direction. Guerra was extending his arms out from his body. Fearing that Guerra was preparing to aim a pistol and shoot him and other deputies, Garcia fired his duty weapon one time at Guerra. Simultaneously, Garcia heard other gunshots he believed to be fired from other deputies. After Garcia fired his duty weapon, Guerra went out of Garcia's sight, and Garcia heard B. Sanchez yell, "He's down! He's down!"

Garcia and B. Sanchez arrested Guerra who was laying on the ground within reach of a .357 magnum revolver. The revolver's cylinder was later examined and contained four expended .38 special cartridge casings and one live .38 special round inside.[3] B. Sanchez recovered eight live .38 special caliber cartridges from Guerra's pockets. Guerra was shot multiple times, and he was transported to the hospital. He survived his injuries. White was treated for a gunshot wound to the neck and survived his injuries.



.357 magnum revolver recovered at the scene.

[3] A .357 magnum revolver can readily shoot .38 special rounds.



Four expended cartridge casings and one live round inside the chambers of the revolver's cylinder.

Statement of Monolito Guerra

Investigators interviewed Guerra at the hospital. Guerra stated that he pointed a gun at a woman inside a car, and he believed the woman called the police. Guerra became aware that deputies arrived at the apartment complex and he believed they were looking for him. Guerra hid beneath a windshield sunshade in the backseat of a parked car, and could see a deputy's flashlight shining inside the car. When the deputy opened the backseat door, Guerra shot the deputy. The deputy fell back and fired back. Guerra exited the car and shot the deputy again, causing the deputy to fall near a mailbox adjoining the parking spaces. Guerra gave conflicting accounts about whether he shot at other deputies while kneeling behind the Ford Fusion.

Guerra was charged in case number PA090160 with several felony counts, including three counts of willful, deliberate, premeditated attempted murder of Deputies White, T. Sanchez, and Garcia. The matter is pending a preliminary hearing.

LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. CALCRIM No. 3470. In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. *Id.* If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard, which enables the jury to

evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

Here, Guerra initially pointed a loaded and operable revolver at a woman seated inside her car. In response, LASD deputies began to set up a containment of the apartment in which they believed Guerra was located. In fact, Guerra had become aware of the deputies' presence and was hiding in the backseat of a car underneath a windshield sunshade. When White opened the rear driver side door of that car, Guerra shot White in the neck. White fell backwards and fired several rounds at Guerra before falling to the ground. Guerra fired his gun at White again while advancing to the rear of the car. Guerra then crouched near the rear of the car and positioned himself to fire his gun at other deputies. Guerra's statements to investigators and an examination of the recovered .357 magnum revolver indicated that Guerra fired a total of four rounds before he was taken into custody.

B. Sanchez, T. Sanchez, and Garcia heard the initial gunshots and became aware that a deputy had been shot. They promptly responded toward the direction of gunfire and observed Guerra near the rear of the Ford Fusion taking aim to shoot other deputies. In reasonable fear for their own lives and those of their partners, B. Sanchez, T. Sanchez, and Garcia fired multiple rounds at Guerra to stop the immediate deadly threat he continued to pose to all deputies at the scene.

CONCLUSION

We conclude that the deadly force utilized by Deputy Albert White was legally justified in self-defense, and the deadly force utilized by Deputies Benjamin Sanchez, Tanner Sanchez, and Robert Garcia was legally justified in self-defense and the defense of others to stop the ongoing deadly threat posed by Guerra to all deputies at the scene. We are closing our file and will take no further action in this matter.